



**WRITTEN REPRESENTATIONS: APPEAL STATEMENT**

BY

***Mrs Pauline Russells***

FOLLOWING THE REFUSAL OF PLANNING PERMISSION BY

***Gloucester City Council***

REF:

***21/00987/FUL***

FOR:

Erection of single storey rear extension with accessible terrace

AT:

***3 Ardmore Close, Gloucester, GL4 0BJ***

July 2022

## 1.0 BACKGROUND

1.1 This appeal relates to the refusal of planning permission for the ‘*Erection of single storey rear extension with accessible terrace*’ at no. 3 Ardmore Close in Gloucester, GL4 0BJ.

1.2 The planning application was dated 17<sup>th</sup> August 2021 and was subsequently refused on 7<sup>th</sup> July 2022 by Gloucester City Council, with the decision notice stating one reason for refusal, as noted below:

*“Given the design, scale and siting of the proposed first floor terrace, the proposed development would have a harmful impact on the living conditions of the occupiers of numbers 1 and 5 Ardmore Close by reason of overlooking and loss of privacy to the private rear amenity space of the neighbouring dwellings. As such the proposals are contrary to policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017), The Gloucester City Council Home Extension Guide Interim Adoption Supplementary Planning Document (2008) and the guidance contained in the National Planning Policy Framework (2021).”*

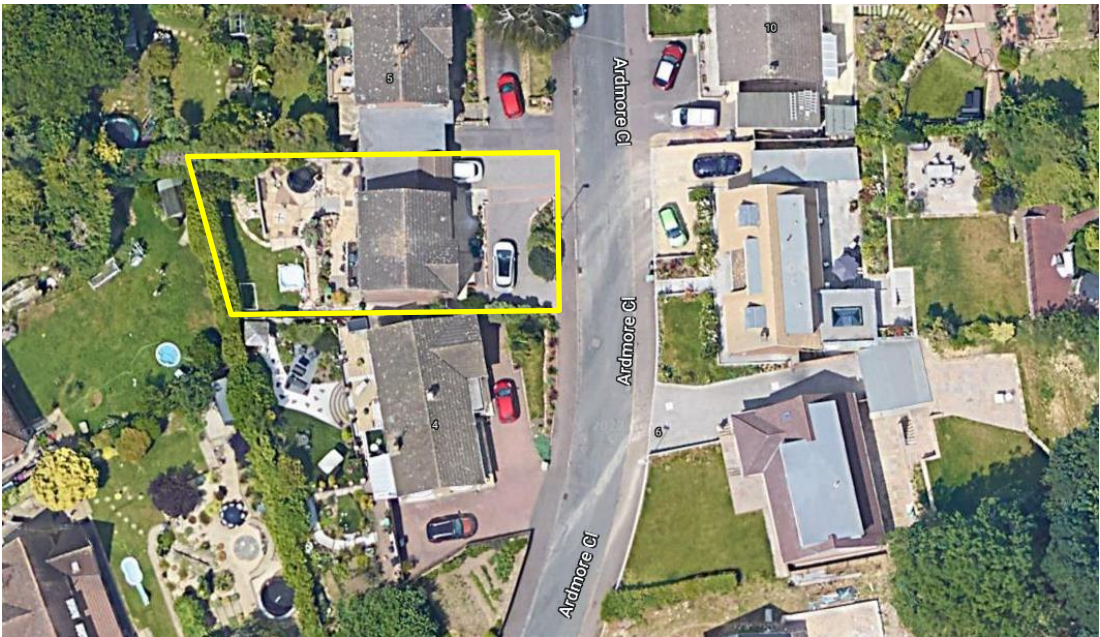
1.3 The following statement will, therefore, seek to demonstrate why the council’s decision to refuse is considered unsound and why the appellant considers that the scheme conforms to the aims of national and local planning policy.

**2.0 APPEAL SITE LOCATION**



**No. 3 Ardmore Close**

- 2.1 The appeal site comprises a link detached property which from the street appears as a two storey house although has a lower ground floor level visible at the rear.
- 2.2 The appeal property is located to the western side of Ardmore Close within a residential setting. The appeal property is not a listed building nor is it within a Conservation Area.

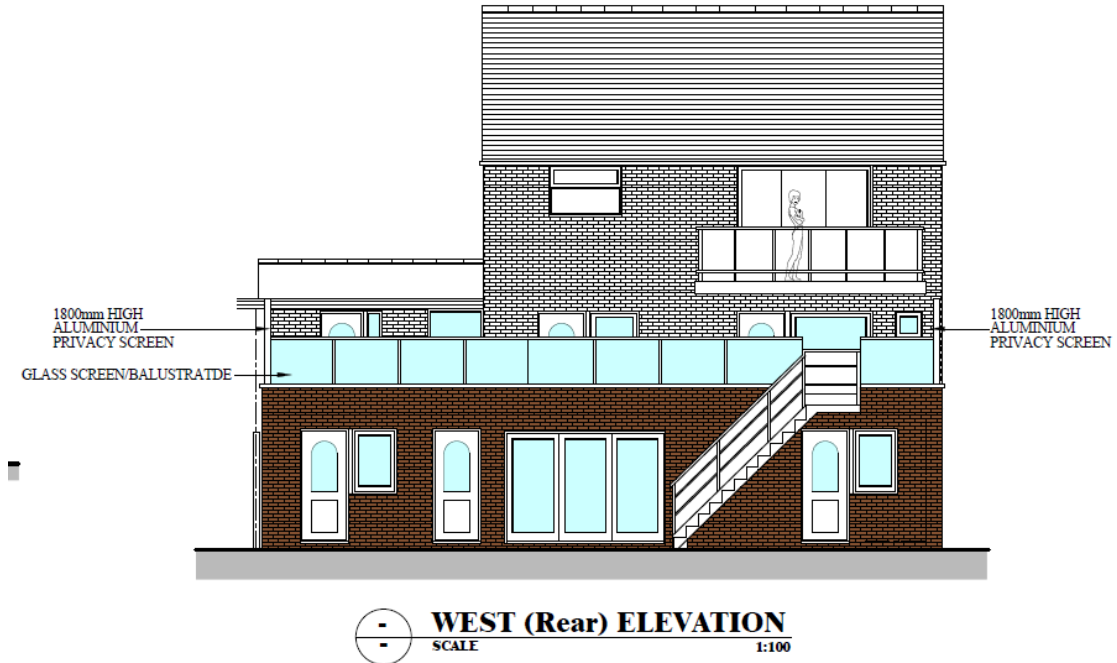


**Aerial view of the appeal site and surrounding area**



**3.0 PROPOSAL**

3.1 The proposed scheme sought planning permission for the ‘*Erection of single storey rear extension with accessible terrace*’ at no. 3 Ardmore Close.



**Proposed west facing rear elevation: Drawing no. 120**

- 3.2 The proposed single storey rear extension measures 3.4m deep x 12.7m wide x 3m high and would provide a gross internal area of approximately 38m<sup>2</sup>.
- 3.3 The fenestration would be altered at ground floor level to provide three new entrance doorways which would allow access onto the proposed terraced that would sit above the single storey rear extension.
- 3.4 1.8m high aluminium privacy screens would be installed to each side of the terrace whilst 1m glazed panels would be placed across the front. A new external staircase would allow access down to the rear garden.
- 3.5 All work would be completed to a high standard utilising high quality materials which would complement the appearance of the existing property.

#### **4.0 RELEVANT PLANNING POLICY**

4.1 The reason for refusal refers to policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017), The Gloucester City Council Home Extension Guide Interim Adoption Supplementary Planning Document (2008) and the guidance contained in the National Planning Policy Framework (2021).

4.2 The following paragraphs will provide a brief summary of the relevant policies. The paragraphs are in a hierarchical order relative to the important of national and local planning policy.

#### **National Planning Policy Framework (NPPF) 2021**

4.3 The National Planning Policy Framework set out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

#### **Presumption in Favour of Sustainable Development**

4.4 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

#### Decision-making

- 4.5 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

#### Achieving well-designed places

- 4.6 Section 12 of the NPPF refers to design, with paragraph 126 describing how the Government attaches great importance to the design of the built environment, stating that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 4.7 Paragraph 130 states that planning policies and decisions should ensure that developments:
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
  - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
  - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
  - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users;*

*and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

**Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017)**

- 4.8 The JCS sets out the long-term vision and objectives for the area together with strategic policies for shaping new development and locations for new development up to 2031. Policies SD4 and SD14 were referred to within the reason for refusal.

**Policy SD4: Design Requirements**

- 4.9 New development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. Design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live, and having appropriate regard to the historic environment

- 4.10 New development should enhance comfort, convenience and enjoyment through assessment for the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution.

**Policy SD14: Health and Environmental Quality**

- 4.11 High-quality development should protect and seek to improve environmental quality. Development should not create or exacerbate conditions that could impact on human health or cause health inequality. New development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.

**The Gloucester City Council Home Extension Guide Interim Adoption Supplementary Planning Document (2008)**

- 4.12 The SPD states that your extension must not unreasonably impact upon the amenities enjoyed by your neighbours taking into account overlooking, overshadowing, overbearing and the 45 degree rule.

## 5.0 GROUNDS OF APPEAL

5.1 The appellant's case will address the concerns raised within the reason for refusal, notably:

- Whether the proposed first floor terrace would have a harmful impact on the living conditions of the occupiers of nos. 1 and 5 Ardmore close by reason of overlooking and loss of privacy to the private rear amenity space of the neighbouring dwellings.

5.2 The following planning considerations are deemed relevant in the determination of this appeal:

- Design and layout
- Residential amenity

### **Design and layout**

5.3 Paragraph 126 of the NPPF states that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

5.4 Joint Core Strategy policy SD4 (Design Requirements) expects development to respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. Design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live, and having appropriate regard to the historic environment.

5.5 The appeal scheme proposes a single storey, lower ground floor rear extension which would measure 3.4m deep x 12.7m wide x 3m high and would provide a gross internal area of approximately 38m<sup>2</sup>.

5.6 The fenestration would be altered at ground floor level to provide three new doorways which would allow access onto the proposed terraced that would sit above the single storey rear extension. 1.8m high aluminium privacy screens would be installed to each side of the terrace whilst 1m glazed panels would be placed across the front. A new external staircase would allow access down to the rear garden.





**Proposed side/rear elevation: Drawing no. 120**

- 5.7 The proposed extension is of a design and scale that is appropriate and proportionate to the host dwelling and site.
- 5.8 The external materials respect the materials used in the existing house and thus the development would be a complementary development that would be in keeping with the wider pattern of development.
- 5.9 Therefore, the appellant states that the development would be of appropriate scale, type, density and materials and as a result accords with the high quality design aspirations of the NPPF, the aims of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and the Gloucester City Council Home Extension Guide Interim Adoption Supplementary Planning Document (2008) which require development to be of a suitable scale for the site and not have a significant adverse impact on the character of the locality, the appearance of the street or the amenities enjoyed by the occupiers of neighbouring properties.

**Residential amenity**

- 5.10 Paragraph 130 of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.11 Joint Core Strategy policy SD4 (Design Requirements) states that new development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution.
- 5.12 Policy SD14 (Health and Environmental Quality) further states that new development should cause no unacceptable harm to local amenity including the amenity of neighbouring residents.

- 5.13 Gloucester City Council’s Home Extension Guide SPD requires development to take into account the impacts on neighbouring occupiers in regard to overlooking, overbearing and overshadowing impacts.
- 5.14 The scheme proposes to create a terrace above the proposed lower ground floor extension. The terrace would have 1.8m high boundary aluminium screens installed to each side to protect the privacy of neighbouring occupiers whilst 1m high obscure glazed panels would be installed along the front of the terrace.
- 5.15 As shown in the submitted plans and following photographs the property already has a first-floor balcony which enables distant views over neighbouring gardens on Ardmore Close and properties to the west on Fox Elms Road.



**Existing balcony at no. 3 Ardmore Close**



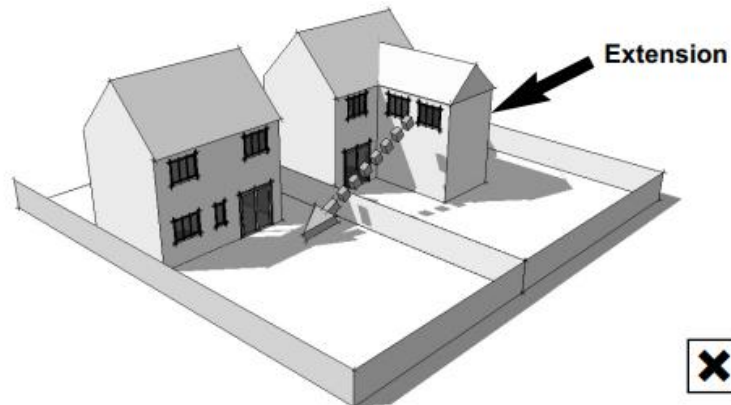


**Available views from existing first floor balcony at the appeal site**

- 5.16 The council refused the appeal scheme citing that the development would have a harmful impact on living condition of nos. 1 and 5 Ardmore Close by reason of overlooking and loss of privacy to the private rear amenity space.
- 5.17 In response, the appellant states that the terrace would not increase overlooking from the host property as views over neighbouring gardens are already available from existing windows and the first-floor balcony at the property. Moreover, the 1.8m high aluminium privacy screening would reduce opportunities for direct overlooking and thus would safeguard neighbours' privacy.
- 5.18 The council's Home Extension Guide SPD states that an extension must not unreasonably impact upon the amenities enjoyed by neighbours and that the council will not permit extensions that will result in an adverse loss of privacy. Whilst the SPD does not provide any specific guidance in relation to balconies or raised terraces page 19 of the SPD states that to avoid overlooking, windows within two storey extensions should be placed in the rear elevation rather than the side as ***"Siting the windows in the rear elevation so that they face out onto your own garden is preferable, and reduces overlooking"***.
- 5.19 Therefore, the appellant states that the use of aluminium 1.8m high privacy screens to each side of the terrace has the same effect as only placing windows in the rear



elevation of an extension as views from the proposed terrace would primarily face onto the rear garden of the appeal site and thus reduces overlooking.



**Unacceptable impact on privacy**



**Acceptable impacts on privacy (Excerpts from page 19 of Home Extension Guide)**

5.20 Moreover, raised terraces are commonplace upon Ardmore Close as the following images illustrate.



**Raised terrace and conservatory at no. 1 Ardmore Close**



**Raised terrace at no. 5 Ardmore Close**



**First floor raised terrace above lower ground floor extension at no. 7 Ardmore Close**







**Raised terrace at no. 11 Ardmore Close**



**View from the raised terrace at no. 11 Ardmore Close**

5.21 Given the above evidence, it is clear that there is already a significant level of mutual overlooking between neighbouring sites and as the accessible terrace at the appeal site proposes to include 1.8m high side privacy screens the level of overlooking would not be materially harmful and therefore, would not result in a loss of privacy which would be unacceptable.

5.22 In summary, the development would be compliant with the aims of policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017), The Gloucester City Council Home Extension Guide Interim Adoption Supplementary Planning Document (2008) and the guidance contained in the National Planning Policy Framework (2021).

## **6.0 CONCLUSIONS**

6.1 Every development proposal is unique and therefore, we consider that all appeals should be assessed on their own respective merits, having regard to the particular characteristics of each site.

6.2 The established built environment which takes advantage of the topography of the area results in an established mutual level of overlooking and therefore, by virtue of its design, scale and siting, the proposed terrace would not result in a materially harmful impact on the living conditions of the occupiers of nos. 1 and 5 Ardmore Close by virtue of a loss of privacy.

6.3 In summary, it is evident that the council's reasons for refusal on this occasion are unsound and as a result the proposal would adhere to the aims of the policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017), The Gloucester City Council Home Extension Guide Interim Adoption Supplementary Planning Document (2008) and the guidance contained in the National Planning Policy Framework (2021).

6.4 Therefore, we respectfully request that this appeal proposal be allowed with any reasonable and appropriate planning conditions deemed necessary in the circumstances of this case.

**21<sup>st</sup> July 2022**